



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Sent Certified Mail Return Receipt Requested

MAR 07 2016

Mr. Luc de Gaspe Beaubien
405 Creek Drive
Easley, SC 29642

Sent via email: legalluke@gmail.com

Re: Freedom of Information Act Request No. EPA-HQ-2016-003542

Dear Mr. de Gaspe Beaubien:

This letter is in reference to your Freedom of Information Act (FOIA) request received by the U.S. Environmental Protection Agency on February 4, 2016, in which you requested “[a]ll correspondence and documents . . . dated January 1 2014 or later, from or between the agency- specifically OECA- and” enumerated entities or their representatives concerning topics pertaining to emissions control system warranties and owners’ manuals.

The Office of Civil Enforcement’s Air Enforcement Division has concluded its search. Twenty-one records are being provided in whole or in part. Records relevant to your request were also previously released in response to FOIA request EPA-HQ-2016-000518, and are currently available through FOIAonline at <https://foiaonline.regulations.gov>. We have determined that forty records responsive to your request have been claimed confidential and may contain trade secrets or commercial or financial information which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). These forty records consist of email communications and their attachments, and have been claimed as confidential business information by the affected businesses. Pursuant to 40 C.F.R. § 2.204(d)(1), your request for these forty records is being initially denied because further inquiry by EPA is required before a final confidentiality determination can be made.

The bill for this FOIA Request is \$250.00. Please see the attached invoice for billing and payment instructions.

As noted above, the information withheld under Exemption 4 requires further inquiry before a final confidentiality determination can be made. EPA must consult with third parties in connection with their business confidentiality claims covering that information, and EPA’s Office of General Counsel must issue a final confidentiality determination. **Please respond in writing within fourteen (14) calendar days of the date of this letter to confirm your continued interest in receiving a final confidentiality determination on the information**

withheld under Exemption 4. If EPA does not receive a timely confirmation, then EPA will consider your request for the Exemption 4 information to be voluntarily withdrawn and will close this file. You may confirm your interest in receiving a final confidentiality determination in a letter or email to Edward Kulschinsky at the following address:

Edward Kulschinsky Attorney Adviser
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Room 1124C, MC-2242A
Washington, DC 20460
kulschinsky.edward@epa.gov

Once the legal office issues a final confidentiality determination, EPA will notify you as to whether the information qualifies for confidential treatment or may be released.

To the extent you would like to appeal any other issue, you may appeal this partial denial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, email: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter and its envelope should be marked "**Freedom of Information Act Appeal.**"

If you have any questions concerning this response please contact Evan Belser of my staff at (202) 564-6850.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evan Belser".

for Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement

Enclosure(s)